

Subj 67
telescoping means comprising a first member slidably received in a second member;

means for connecting said first member to an object; and

~~means for locking said first member and said second member together.~~

Subj 67
10. (Unamended) A mounting device according to claim 9, wherein said means for connecting is a bayonet coupling.

11. Cancelled herein.

Subj 67
12. (Unamended) A mounting device according to claim 9, further comprising means for fastening said second member to a tree.

REMARKS

Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1, 3-7, 9, 10, and 12 are pending in this application. Claims 1, 6, and 9 are the independent claims. Independent Claims 1, 6, and 9 have been amended to include a feature of dependent Claims 2, 8 and 11 respectively. No new matter has been added.

Claims 2, 8, and 11 have been cancelled without prejudice to or disclaimer of the information recited therein. The formal rejection of Claim 2 is therefore moot.

The drawings are objected to for failing to show the reference signs discussed on page 5, line 5 and page 7, line 4. Applicant has submitted concurrently herewith amended drawings to correct these informalities. Withdrawal of the objection and approval of the amended drawings are respectfully requested.

The specification is objected to because of minor informalities. Applicant has amended the specification to improve its form. Accordingly, withdrawal of the objection is respectfully requested.

Claims 1-4 and 6-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,018,586 (Cawley, et al.). Claims 1, 4, 6, 7, 9, and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,939,004 (Fuss). Claims 2, 8, and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fuss in view of U.S. Patent No. 424,882 (Hamilton). Claims 3 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fuss in view of U.S. Patent No. 2,915,270 (Gladsden). Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Fuss in view of U.S. Patent No. 5,071,098 (Aldridge). Applicant respectfully traverses the rejections.

Independent Claim 1 has been amended to recite a lock to secure a sliding support in a housing at a desired position. Independent Claim 6 has been amended to recite a locking mechanism for locking a sliding rod in a housing. Independent Claim 9 has been amended to recite a means for locking a first member and a second member together.

In contrast, the Cawley, et al. patent relates to a fire suppression system for a decorative tree. The Cawley, et al. patent discloses a threaded coupling, which the Official Action considers to be simultaneously a housing, locking mechanism and fastener. However, it is submitted that if the threaded coupling is a housing, and if the movement of the pipes against the threads is sliding such that the pipe is slidably received within the coupling, then there is no remaining element of the coupling that can be considered a lock to secure the sliding support in the housing at a desired position, as recited in amended Claim 1.

Likewise, the Cawley, et al. patent does not disclose enough features to anticipate Claim 6 (which recites, in part, a mount including a housing and a sliding rod slidable within the housing, a fastener adapted to attach the housing to a tree, and a locking

mechanism for locking the sliding rod in the housing) and Claim 9 (which recites, in part, telescoping means, means for connecting and means for locking).

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1-4 and 6-12 over the Cawley, et al. patent.

The Fuss patent relates to a Christmas tree ornament for attachment to a conventional Christmas tree, the ornament including representations of a pair of human hands and a human head. The Fuss patent discloses, at col. 4, lines 20-24, that “[a] screw 21 extends through free leg portions of the encircling clamp 20, thus adjustably securing the clamp 22 at a selected position along the rod 18. This allows the ornament to be readily adapted for use with various different tree dimensions.” See Fig. 3. This excerpt indicates that the rod 18 and tubular member 24 are freely movable, and the only mechanism for preventing relative movement are the clamps 22, 26. It is submitted, however, the clamps 22, 26 cannot be both a fastener adapted to secure the housing to a tree and a lock to secure the sliding support in the housing at a desired position, as recited in Claim 1.

Similarly, the Fuss patent does not disclose enough features to anticipate the features recited in amended Claims 6 and Claim 9.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1, 4, 6, 7, 9 and 12 over the Fuss patent.

With regard to the rejection of Claims 2, 8 and 11 over the Fuss patent in view of the Hamilton patent, Applicant submits that there is no motivation to combine the teachings of the patents to Fuss and Hamilton. The Hamilton patent relates to a device for exhibiting advertisements, and a feature of that patent is the self-standing nature of the device. There is no suggestion to modify the Hamilton patent to be fastened to a tree.

Therefore, reconsideration and withdrawal of the rejection of Claims 2, 8 and 11 are respectfully requested.

Finally, Applicant submits that the Gladsden and Aldridge patents, which were cited to teach aspects of the dependent claims, do not teach or suggest the features of

amended Claims 1, 6 and 9, and thus fail to compensate for the deficiencies in Fuss as discussed above.

Accordingly, reconsideration and withdrawal of the rejections of Claims 3, 5 and 10 are also requested.

Applicant believes that this Amendment is responsive to each of the points raised by the Examiner in the Office Action, and submits that the application is in allowable form. Favorable consideration of the claims and passage to issue of the present application at the Examiner's earliest convenience are solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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APPENDIX
VERSION SHOWING CHANGES MADE TO CLAIMS

1. (Amended) A tree-top mounting device, comprising:
 - a housing;
 - an elongated support slidably received within said housing;
 - a fitting head disposed at a distal end of said elongated support;

[and]

a fastener adapted to secure said housing to a tree; and
a lock to secure said sliding support in said housing at a desired
position.
6. (Amended) A tree-top mounting device, comprising:
 - a mount including a housing and a sliding rod slideable within said housing, said sliding rod having a distal end adapted to receive an ornament; [and]
 - a fastener adapted to attach said housing to a tree; and
 - a locking mechanism for locking said sliding rod in said housing.
9. (Amended) A tree-top mounting device comprising:
 - telescoping means comprising a first member slidably received in a second member; [and]
 - means for connecting said first member to an object; and
 - means for locking said first member and said second member

together.

APPENDIX
VERSION SHOWING CHANGES MADE TO SPECIFICATION

Paragraph [0019] has been amended as follows:

--[0019] The mount 1 may have length sufficient to permit the proximal end 11 to contact the base on which the tree and a conventional tree stand are supported. Alternatively, if the crowning [crowing] ornament does not require such support, the mount may be secured to the tree, as described below, without reaching the base.--

Paragraph [0022] has been amended as follows:

--[0022] As illustrated in Figs. 2 and 4, a face 20 of the connector 16 on top of the mount 1 has one or more holes or slots 18, which receive bayonets [22] 23 located on a mounting surface 24 of the crowning ornament 26 in a bayonet-style coupling. Of course, other alternatives for securing the ornament to the connector can be provided.--

Paragraph [0023] has been amended as follows:

--[0023] The connector 16 also preferably includes indentations 28 on its face 20 each for engaging a biasing leaf 22 extending from the mounting surface 24 of the crowning ornament 26. The leaf 22 includes a protrusion 25 which interfits within the indentation 28 when the crowning ornament [26] is fully rotated with respect to the fitting head 10. This action confirms that the bayonet coupling 26 is complete and secure.--